

## REMARKS

Initially, it will be noted that this response is being filed with an RCE and a petition to revive the present application, which appears to have become unintentionally abandoned on December 11, 2005 for failure to respond within six months of the most recent and Final Office Action mailed on June 10, 2005.

In the Final Office Action of June 10, 2005, all of the previously presented claims 1 – 17 were rejected in view of a combination of cited art under 35 USC 103(a). The primary reference asserted against the claims is Herz et al. (US 6,088,722) and the secondary reference is Bingham et al (US 5,799,298) and for various other reasons under 35 U.S.C. § 112.<sup>1</sup>

By this paper, all of the rejected claims 1-17 have been cancelled, such that all of the rejections of record with regard to the claims are now moot. New claims 18-31 have also been added, of which claims 18, 29, 30 and 31 are the only independent claims at issue. Support for the new claims is found throughout the specification, including, but not limited to the disclosure found on pages 11-14, 19, 23-24 and 31-36.

As reflected by the language of the claims, the present invention is generally directed towards embodiments for selecting and presenting information to a user through an affinity based interface. The method recited in claim 18, for example, includes providing a plurality of interface characters corresponding to an affinity based categorization. A viewer selects one of the interface characters, which is then used to filter the content that is presented to the viewer by the interface character. Claim 30 is similar to claim 18, except, as recited in claim 30, the interface characters are recited at interface character personas that are already associated with a respective domain of broadcast content. Claims 29 and 31 are directed to computer program products for implementing the method recited in claims 18 and 30.

As mentioned above, Herz and Bingham were previously relied upon in rejecting the claims presented in this application. Applicant respectfully submits, however, that the newly presented claims (18-31) are neither anticipated by, nor made obvious by, the teachings of Herz and Bingham. In particular, Applicant respectfully submits that Herz and Bingham, even when combined, do not teach each and every element recited in the claims.

---

<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Herz generally discloses embodiments for generating an agreement matrix between a recipient profile and profiled content. In particular, the "agreement matrix...matches the customer's preferences and the contents of the data sources." (Col. 9, ll. 55-56). The customer's preferences or profile is based on various customer input, demographic, and historical data (Col. 12). The profile of the content being matched with the customer's interests is based on various known characterizations and attributes of broadcast media (Col. 11). A number of virtual channels are then created for the customer based on the customer's profiles and for presenting the content matching their interests. (Col. 48, ll. 18-35).

Bingham generally discloses embodiments for identifying a user's preferences based on a limited selection of graphical metaphors, such as characters or display object. As described, the user looks at the displayed characters (which are each associated with different personality traits) and tries to decide which characters they are the most like. The user can rank the characters/personalities to obtain a blend of characters which can then be automatically processed to identify a set of parameters that define user preferences or traits. (Abstract, Cols. 3-4).

While Herz generally deals with creating customized virtual channels to match user interests and while Bingham generally deals with identifying user preferences through the selection of personas, the combined teachings of Herz and Bingham still fail to make obvious the claimed embodiments. For example, Herz and Bingham fail to disclose or suggest, among other things, that the content identified through the selection of an interface character is presented with the interface character, as recited in claim 1, or that the plurality of interface character personas displayed to the viewer are already associated with a respective domain of broadcast content, as recited in claim 30.<sup>2</sup>

The cited art also fails to disclose or suggest the embodiments recited in the dependent claims, such as, for example, the embodiment in which the interface character has a unique presentation style (claim 19), corresponding to a unique style of speech (claim 20) or that the interface character provides dialog to the viewer (claim 21) corresponding to the displayed content (claim 22) and in response to viewer questions (claim 23). The cited art also fails to

---

<sup>2</sup> It will also be noted that it would not make sense to modify Herz in this manner inasmuch as Herz is concerned with creating custom "virtual channels" that contain content that is selected after matching user interests to the content. In other words, the content is not already assigned to the particular channel because it is not known which content to select.

disclose or suggest that the content is filtered at least in part according to dialogs between the interface character and the viewer (claim 24), or that the dialogs presented by the interface character include a combination of pre-scripted and live chat dialogs (claim 25), or that the content is displayed simultaneously with the interface character (claim 26) and so forth.

In view of at least the foregoing reasons, Applicants respectfully submit that the pending claims are distinguished from the cited art and such that the other specific rejections made with respect to the cited art in the previous Office Action to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 9<sup>th</sup> day of June, 2006.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant  
Customer No. 047973